

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-CR-267

SOUVANNA HOMESOMBATH,

Defendant.

ORDER

On July 19, 2007, Souvanna Homesombath was sentenced to a term of 70 months imprisonment followed by a 3-year term of supervised, all in connection with his earlier plea of guilty to conspiracy to distribute MDMA (3, 4 methylenedioxymethamphetamine). The judgment of conviction also included the court's recommendation that Homesombath be evaluated for inclusion in the Federal Bureau of Prisons 500-hour comprehensive drug treatment program and/or any other drug education program.

Upon learning that his current immigration status – subject to deportation – precluded eligibility for placement in the 500-hour drug treatment program, Homesombath filed a motion with the court on July 6, 2009, seeking relief in the form of an order directing that the Bureau of Prisons place him in the 500-hour treatment program.

The court is without jurisdiction to accommodate the defendant's request as matters related to his immigration status, inmate classification, placement, and

program eligibility are matters that Congress has appropriately placed in the hands of the executive branch of government, in this case the Department of Homeland Security and the Bureau of Prisons.

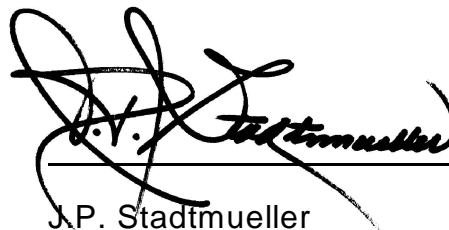
Accordingly,

IT IS ORDERED that the defendant's motion seeking an order for direct placement in the Federal Bureau of Prisons 500-hour drug treatment program (Docket #53) be and the same is hereby **DENIED**; and

IT IS FURTHER ORDERED that the defendant's motion seeking waiver of the local rules of this court (Docket #54) be and the same is hereby **DENIED** as moot.

Dated at Milwaukee, Wisconsin, this 5th day of October, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized with large, sweeping loops.

J.P. Stadtmueller
U.S. District Judge